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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/588,303	08/03/2006	Kazuo Kuroda	8048-1174	6863
466 YOUNG & TH	7590 03/13/200 OMPSON	EXAMINER		
209 Madison Street			LAMB, CHRISTOPHER RAY	
	Suite 500 ALEXANDRIA, VA 22314			PAPER NUMBER
			2627	
			MAIL DATE	DELIVERY MODE
			03/13/2009	PAPER

## Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)			
Office Action Comments	10/588,303	KURODA, KAZUO			
Office Action Summary	Examiner	Art Unit			
	CHRISTOPHER R. LAMB	2627			
The MAILING DATE of this communication app Period for Reply	pears on the cover sheet with the o	correspondence address			
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DOWN THE STORM THE MAILING TH	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be till will apply and will expire SIX (6) MONTHS from the cause the application to become ABANDONE	N. mely filed the mailing date of this communication. ED (35 U.S.C. § 133).			
Status					
1) Responsive to communication(s) filed on 15 D 2a) This action is <b>FINAL</b> . 2b) This 3) Since this application is in condition for alloward closed in accordance with the practice under E	action is non-final. nce except for formal matters, pro				
Disposition of Claims					
4) ☐ Claim(s) 10,11,13-24 and 27 is/are pending in 4a) Of the above claim(s) is/are withdraw 5) ☐ Claim(s) is/are allowed. 6) ☐ Claim(s) is/are rejected. 7) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) 10,11,13-24 and 27 are subject to res	wn from consideration.	ent.			
Application Papers					
9) The specification is objected to by the Examine 10) The drawing(s) filed on is/are: a) acc Applicant may not request that any objection to the Replacement drawing sheet(s) including the correct 11) The oath or declaration is objected to by the Ex	epted or b) objected to by the drawing(s) be held in abeyance. Se ion is required if the drawing(s) is ob	e 37 CFR 1.85(a). ejected to. See 37 CFR 1.121(d).			
Priority under 35 U.S.C. § 119					
<ul> <li>12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).</li> <li>a) All b) Some * c) None of:</li> <li>1. Certified copies of the priority documents have been received.</li> <li>2. Certified copies of the priority documents have been received in Application No.</li> <li>3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</li> <li>* See the attached detailed Office action for a list of the certified copies not received.</li> </ul>					
Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) Information Disclosure Statement(s) (PTO/SB/08)  Paper No(s)/Mail Date	4) Interview Summary Paper No(s)/Mail D 5) Notice of Informal F 6) Other:	ate			

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## **DETAILED ACTION**

## Response to Arguments

1. Applicant responded to the original requirement for election / restriction mailed December 4<sup>th</sup>, 2008. The response filed December 15th, 2008, has been fully considered.

Although applicant elected Group II of the original restriction requirement without traverse, upon further consideration Group II itself contains multiple inventions.

Applicant therefore must also elect one of the inventive concepts of the originally elected Group II. These are explained as follows.

## Election/Restrictions

2. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group A, claim(s) 13 and 14, drawn to the ejection procedure.

Group B, claim(s) 16-18, drawn to the block length.

Group C, claim(s) 19-24, drawn to the addressing scheme.

3. This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

Each of the inventive groups (A-C) listed above contains sub-species.

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For Group A (the ejection procedure):

Species I: where the full interlayer buffer area is generated at the time of recording.

Species II: where a small interlayer buffer area is generated during recording, and then a full one is generated during the ejection procedure (as per Fig. 14).

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Species III: where no interlayer buffer area is generated during recording, and instead the entire area is generated during the ejection procedure (as per Fig. 15).

For Group B (the block length):

Species IV: fixed block lengths.

Species V: variable block lengths.

Species VI: fixed and variable block lengths.

For Group C (the addressing scheme):

Species VII: wherein the addresses is proportional to the pre-address (as per Fig. 3b). Species VIII: wherein the address is continuous in each block area but discontinuous between them (as per Fig. 3c).

Applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims

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are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

4. The claims are deemed to correspond to the species listed above in the following manner:

Claim 10: generic to all species of the originally elected Group II

Claim 11: generic to all species of the originally elected Group II

Claim 13: species III

Claim 14: species II

Claims 15-16: generic to species IV and species VI.

Claim 17: generic to species V and species VI

Claim 18: species VI

Claim 19: generic to species VII and VIII

Claim 20: species VII

Claim 21: species VIII

Claim 22: species VII

Claim 23: generic to species VII and VIII

Claim 24: species VII

Claim 27: generic to species VII and VIII

5. The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons: as shown in the

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International Search Report completed 04-28-2005, reference WO 2003/038823 discloses all elements of the linking claim.

6. A telephone call was made to Robert Patch on March 4<sup>th</sup>, 2009 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTOPHER R. LAMB whose telephone number is (571)272-5264. The examiner can normally be reached on 9:00 AM to 5:30 PM Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christopher R Lamb/

Examiner, Art Unit 2627